

Filed herewith are declarations under 37 C.F.R. 131 from each of the inventors, as well as by the undersigned attorney. The declarations show that Applicant's invention was conceived at least as early as July 9, 1999 which is prior to the filing date of U.S. Patent 6,280,380 to Bardy; and prior to the filing date of U.S. Patent 5,578,167 to Boorom et al.; and prior to the filing date of U.S. Patent 6,440,067 to DeLuca et al.; and prior to the filing date of U.S. Patent 6,350,237 to Pelletier et al. The declarations set forth facts and evidence that Applicants were diligent in attempting to reduce the invention to practice up to and through the filing date of the present application.

Since all three of the Bardy, Boorom et al., and DeLuca et al. are the basis for rejection of claims 1-3, 8, 9, and 13-16, and Applicants invented the present invention prior to the effective filing dates of all three references, all three references are removed from consideration. Accordingly since the Examiner has cited no other basis for rejection of claims 1-3, 8, 9, and 13-16, it is respectfully submitted that claims 1-3, 8, 9, and 13-16 are allowable over the art of record.

In addition, since claims 4-7 stand rejected over the primary reference Bardy as modified by Basso et al. and the primary reference is removed from consideration, the Basso et al reference is inadequate by itself to show, teach or make obvious Applicant's novel invention as presented in the claims.

Since claims 10-12 stand rejected over the Bardy and Baroom et al references in view of Shimakawa et al and Bardy and Baroom are removed from consideration, Shimakawas et al is inadequate by itself to show, teach or make obvious Applicant's novel invention as presented in claims 10-12, and accordingly claims 10-12 are allowable.

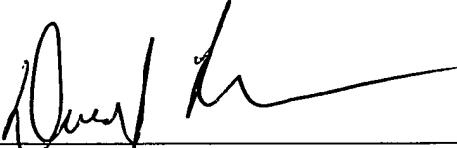
Claim 18 stands rejected over the primary reference Bardy as modified by Pelliteier et al, and both of these references are removed from consideration. Accordingly claim 18 is allowable.

Accordingly, none of the claims in the application are shown, taught or made obvious by any of the references of record taken singly or in any combination.

In view of the foregoing amendment and comments, it is believed that all the claims presently in the application are in condition for allowance. Reexamination and reconsideration are requested. It is further requested that the claims be allowed and that this application be passed to issue. An early notice of allowance would be appreciated.

Respectfully submitted,

DONALD J. LENKSZUS, P.C.

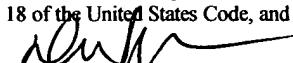
By: 

DONALD J. LENKSZUS, Reg. No.28,096  
P. O. BOX 3064  
CAREFREE, AZ 85377  
Telephone: (602) 463-2010

CERTIFICATE OF MAILING

I hereby certify that this document (and any as referred to as being attached or enclosed) is being mailed by Express Mail No. EL980530070US to the United States Patent and Trademark Office on OCTOBER 21, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
DONALD J. LENKSZUS, REG. NO. 28,096